REMARKS

This Amendment and Remarks is accompanied by the following exhibits.

Exhibit A:	Declaration of Robert S. Salter
Exhibit 1:	Curriculum Vitae of Robert S. Salter
Exhibit 2:	The Reaction of Cysteine and Related Compounds with Pencillins and Cephalosporins, Wagner, Eugene S. and Gorman, Marvin, The Journal of Antibiotics, Vol. XXIV, No. 9, page 647 (1971) (Wagner et al.) .
Exhibit 3:	Effect of L-Cysteine on the Activity of Pencillin Antibiotics Against Clostridium Difficile, Markowitz, Sheldon M. and Williams, Denise S., Antimicrobial Agents and Chemotherapy, Vol. 27, No. 3, Mar. 1985, p. 419-421 (1984) (Markowitz et al)
Exhibit 4:	Detection of Inhibitors in Milk by Microbial Tests. A review. Suhren G., and Heeschen W., Institute for Hygiene, Federal Dairy Research Centre, Kiel, Germany (1996)
Exhibit 5:	Determination of Non Actionable Positives Associated with Antibiotic Tests, Stanley E. Charm, Dairy, Food and Environmental Sanitation, Vol. 14, No. 3, Pages 151-154 (March 1994)

Responsive to the Final Action issued January 29, 2009, Applicant respectfully requests that the Office kindly amend the application as detailed above and consider the following responses.

Rejection Under 35 U.S.C. 102(e)

Claims 1-2, 6-7, 9-12 and 24-29 were rejected under 35 U.S.C. 102(e) as being anticipated by Langeveld (6,867,015).

Langeveld addresses increasing sensitivity of a test organism by changing test conditions and adding certain substances to change sensitivity. Relative to sensitivity reduction, however, Langeveld only suggests adding cysteine. Langeveld does not describe or suggest that the substance used to adjust test sensitivity can be a family specific microbial receptor and cysteine is not such a substance. In addition, Langeveld does not describe or suggest using a microbial receptor, with sensitivity to the whole beta-lactam family, to compete with the test organism.

To reflect this important distinction, Applicant has amended independent claim 1 to claim a method that is directed to adjusting sensitivity using a microbial receptor, and, more specifically, a microbial receptor, extracted from a bacteria, with sensitivity to the beta-lactam family. Support for such an amendment can be found throughout the specification including in paragraphs [0010], [0011], [0014] and [0030].

The rejection with respect to claim 1, and the claims depending therefrom, is, therefore, respectfully traversed. Withdrawal of the rejection of claims 1-2, 6-7, 9-12 and 24-29 under 35 U.S.C. 102(e) and favorable reconsideration is respectfully requested based on the amendments and remarks above.

Rejection under 35 U.S.C. 103(a)

Claims 3-5, 8, 13-17, 23, and 30-37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Langeveld (6,867,015).

To establish a prima facie case of obviousness under 35 U.S.C. §103, the prior art reference must teach or suggest every limitation of the claim. MPEP §2143.01 If an independent claim is non-obvious, then any dependent claims stemming from that independent claim are also non-obvious. MPEP §2143.03. Applicant respectfully asserts that the prior art does not teach or suggest every limitation of claim 1 as amended.

Applicant has amended independent claim 1 to reflect that the method is directed to adjusting sensitivity using a microbial receptor, previously extracted from a bacteria, with sensitivity to the beta-lactam family. In the Final Action, with reference to the rejection of claims 13-17 and 23, Examiner states:

> In view of the teachings of Langeveld directed to selectively reducing the activity of antibiotics by adding a substance known to inhibit the desired antibiotic, adding an antibody, some binder, a protein, a receptor, a competitor or any such known inhibitor of an antibiotic for its known function with the expected result